

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO:</b> <u>15-</u>
	:	
<b>v.</b>	:	<b>DATE FILED:</b> <u>June 18, 2015</u>
	:	
<b>MICHAEL HOFFNER, SR.</b>	:	<b>VIOLATIONS:</b>
	:	<b>18 U.S.C. §§ 1343, 1349 (wire fraud -</b>
	:	<b>23 counts)</b>
	:	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNTS ONE THROUGH TWENTY-THREE**

**THE GRAND JURY CHARGES THAT:**

1. Defendant MICHAEL HOFFNER, SR., owned and operated the Brown Street Pub, a/k/a McKenna's Irish Pub, located at 795 N. 24<sup>th</sup> St, Philadelphia, PA 19130.

2. American Express Company is a financial services corporation headquartered in New York, New York, which, among other things, issues credit cards to customers.

3. Navy Federal Credit Union is a federal credit union headquartered in Vienna, Virginia, which, among other things, issues credit and debit cards to customers through an agreement with Visa, Inc., a multinational financial services corporation headquartered in Foster City, California.

4. The Brown Street Pub, a/k/a McKenna's Irish Pub, had an agreement with American Express and Visa to accept credit card transactions. American Express and Visa (through the issuing bank) deposited funds from credit card transactions via electronic means into bank accounts controlled by defendant MICHAEL HOFFNER, SR.

5. Prior to each American Express and Visa transaction, Brown Street Pub had to obtain an authorization form American Express or Visa. Brown Street Pub transmitted information electronically to American Express and Visa in order to obtain this authorization.

### **THE SCHEME**

6. From on or about September 3, 2012 to on or about November 29, 2012, defendant

### **MICHAEL HOFFNER, SR.**

devised and intended to devise a scheme to defraud American Express and Navy Federal Credit Union and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

### **MANNER AND MEANS**

It was part of the scheme that:

7. Defendant MICHAEL HOFFNER, SR. obtained stolen valid credit card numbers for cards issued by American Express and for Visa cards issued by Navy Federal Credit Union.

8. Defendant MICHAEL HOFFNER, SR., used these stolen credit card numbers to charge American Express and Visa as if the customer had made a purchase at the Brown Street Pub, a/k/a McKenna's Irish Pub. The cardholders were not aware of and did not authorize these charges.

9. Defendant MICHAEL HOFFNER, SR., transmitted these stolen credit card numbers via interstate wire to American Express and Visa to obtain authorization to charge those accounts.

10. After authorizing these charges, American Express and Visa deposited funds into accounts controlled by defendant MICHAEL HOFFNER, SR.

11. On or about each of the dates set forth below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**MICHAEL HOFFNER, SR.,**

for the purpose of executing the scheme described above, and attempting to do so, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count:

COUNT	DATE	CARD ISSUER	AMOUNT
1.	9/3/2012	Navy Federal Credit Union	\$1,286
2.	9/3/2012	Navy Federal Credit Union	\$2,712
3.	9/13/2012	Navy Federal Credit Union	\$2,168
4.	9/15/2012	Navy Federal Credit Union	\$1,643
5.	9/19/2012	Navy Federal Credit Union	\$2,186
6.	9/20/2012	Navy Federal Credit Union	\$1,500

<b>COUNT</b>	<b>DATE</b>	<b>CARD ISSUER</b>	<b>AMOUNT</b>
7.	10/4/2012	American Express	\$2,196
8.	10/8/2012	American Express	\$2,199
9.	10/8/2012	American Express	\$2,182
10.	10/8/2012	American Express	\$1,200
11.	10/9/2012	American Express	\$2,198
12.	10/10/2012	American Express	\$2,458
13.	10/10/2012	American Express	\$1,522
14.	10/13/2012	American Express	\$2,487
15.	10/16/2012	American Express	\$2,582
16.	10/17/2012	American Express	\$2,602
17.	11/24/2012	Navy Federal Credit Union	\$1,358
18.	11/24/2012	Navy Federal Credit Union	\$2,258
19.	11/24/2012	Navy Federal Credit Union	\$2,259
20.	11/24/2012	Navy Federal Credit Union	\$2,298
21.	11/24/2012	Navy Federal Credit Union	\$1,258
22.	11/27/2012	Navy Federal Credit Union	\$2,299

COUNT	DATE	CARD ISSUER	AMOUNT
23.	11/29/2012	Navy Federal Credit Union	\$2,358

All in violation of Title 18, United States Code, Sections 1343, 1349.

**NOTICE OF FORFEITURE**

1. As a result of the violation of Title 18, United States Code, Section 1343, described in Counts One Through Twenty-Three of this Indictment, defendant

**MICHAEL HOFFNER, SR.,**

shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to the sum of \$47,209.00 (money judgment).

2. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property

of the defendant up to the value of the property subject to forfeiture.

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**ZANE DAVID MEMEGER  
UNITED STATES ATTORNEY**